Office-Supreme Court, U.S.
FILED
OCT 14 1966
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1966

No. 531

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, ET AL., *Petitioners*

v.

JOHN J. RYAN, THOMAS MONAGHAN AND CLIFFORD BECK, *Respondents*

PETITIONERS' REPLY TO RESPONDENTS' BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

LOUIS SHERMAN
1200 15th Street, N.W.
Washington, D.C.
LESTER ASHER
229 North LaSalle Street
Chicago, Illinois
BENJAMIN L. JACOBSON
CHARLES R. DONNENFELD
Attorneys for Petitioners

Of Counsel:
SHERMAN AND DUNN
1200 15th Street, N.W.
Washington, D.C.
ASHER, GREENFIELD, GUBBINS AND SEGALL
229 North LaSalle Street
Chicago, Illinois

IN THE

Supreme Court of the United States

OCTOBER TERM, 1966

No. 531

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, ET AL., *Petitioners*

v.

JOHN J. RYAN, THOMAS MONAGHAN AND CLIFFORD BECK, *Respondents*

PETITIONERS' REPLY TO RESPONDENTS' BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

1. The court below ruled that, regardless of the reasonableness of hearing procedures in the union, no limitation could be placed by the union on a member's access to the courts because, in its view, the member is entitled to ascertain by judicial proceedings whether he is entitled to "immediate" relief. If this ruling of law were to stand, there would be no way to amend any international union constitution to require union members to exhaust hearing procedures within the union for the "four month period" authorized by the statute. Respondents' contention (Brief

of Respondents, p. 4) that this case involves only a rewriting of the IBEW Constitution is, therefore, without foundation.

2. The IBEW interpreted the constitutional provision here involved so as not to give force and effect to its "automatic" language, because of the provisions of the Landrum-Griffin Act. See Petition, p.5n.3. Respondents' bald assertion that it was the particular "automatic" language of the IBEW Constitution which was the basic factor in the decision below (Brief of Respondents, p. 3) is directly contradicted by the language of the decision of the Court of Appeals, which makes it clear that the holding is applicable to the constitutional provision "as construed by the union." Petition, App.C, p. 13-A.

3. In addition to misstating both the question presented and the effect of the decision below, Respondents have misquoted the Record. In ruling on Respondents' appeal from the imposition of local union discipline, the IBEW President pointed out that "The trial body . . . exercised its *discretion* in imposing this severe penalty" and that the President could not, "*under the circumstances of this case,* disagree with this." Record, pp. 76-77. (Emphasis added.) The President's decision then concluded as follows:

> "For all of the above reasons, after careful consideration of the record and all correspondence pertaining to this case, it is my conclusion that under our Constitution no course is open to me but to dismiss the appeals of Appellants Clifford J. Beck, Thomas Monaghan and John J. Ryan."

Respondents, by setting out the part of the above quoted sentence appearing after the second comma as a full sentence (Brief of Respondents, p. 2) and by omitting the

preceding two and one-half sentences have sought to convey the erroneous impression that the IBEW applied the constitutional provision "automatically."

LOUIS SHERMAN
1200 15th Street, N.W.
Washington, D.C.

LESTER ASHER
229 North LaSalle Street
Chicago, Illinois

BENJAMIN L. JACOBSON
CHARLES R. DONNENFELD
Attorneys for Petitioners

Of Counsel:
SHERMAN AND DUNN
1200 15th Street, N.W.
Washington, D.C.

ASHER, GREENFIELD, GUBBINS AND SEGALL
229 North LaSalle Street
Chicago, Illinois

October, 1966